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09/160,728

Date: September 1, 2004
Discussion re: Advisory Action of July 29, 2004

REMARKS

Definitions of the Most Relevant Words

Graphical takes the phrase out of the realm of the literary, mythical, and other very broad meanings for abstract symbols.

Reference for the following definitions: Webster's Encyclopedic Unabridged Dictionary of the English Language © 1989 dilithium press. (Italics in reference; "notes" added.)

abstract: 1. conceived apart from concrete realities, specific objects, or actual instances: *an abstract idea*. 5. *Fine Arts*. b. (*often cap.*) pertaining to the nonrepresentational art styles of the 20th century.

animation: 1. animated quality; liveliness; vivacity; spirit: *to talk with animation*. 3. the state or condition of being animated.

animated: (note, defn. 1 is not relevant to graphical abstract symbols in subject application --1. full of life, action, or spirit; lively; vigorous: *an animated debate*.) 2. made or equipped to move or give the appearance of moving in an animallike fashion: *animated puppet*. 3. containing representations of animals or mechanical objects that appear to move as real ones do: *an animated window display*.

symbol: 2. a letter, figure, or other character or mark or a combination of letters or the like used to represent something: *the algebraic symbol x*; *the chemical symbol Au*.

Definition 2 is the most consistent with "symbol" in regard to the Applicant's specification, (and in Gasper, see, e.g., col. 17 lines 7, 10), and substantially conveys the meaning of the entire phrase "graphical abstract symbol." Definition 1 is set forth below:

symbol: 1. something used for or regarded as representing something else; a material object representing something, often something immaterial; emblem, token, or sign. (Note: in context, i.e. in conjunction with "graphical abstract," Definition 1 is equivalent to Definition 2.)

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Also, the American Heritage Dictionary (1979 Houghton Mifflin Company) provides a relevant definition of "animate" as follows: 6. To make, design, or produce (a cartoon, for example) so as to create the illusion of motion.

The Rejected Claim

Claim 61 recites: "A method of presenting, on a computer controlled display device, transformation rules of abstract representations using animations of graphical abstract symbols to simulate continuous transformations."

The three elements that the Examiner asserts are "graphical abstract symbols" being animated as an example of the requirements of Claim 61, a dot and underline, a talking head, and letters, are each considered in turn, below.

The Dot and Underline Are Not Animated

The dot and underline serve the function of "highlighting" relevant text. Gasper describes the dot and underline as "effects" (see, e.g., col. 19 lls. 1-5).

It is respectfully submitted that deleting an image from one location and placing it in another is NOT movement or motion, let alone animation, but rather is "relocation" or "replacement."

The dot and underline are not fairly suggested in Gasper to be "animated." As has been pointed out with respect to Nakayama, merely changing a symbol location is not animation unless it gives an appearance of continuous movement. All of the relevant definitions set forth above require the appearance of continuous movement. Nothing real ("real ones") moves by disappearing from one place and appearing subsequently in a substantially different place, and such a change of position does not comport with the definition of "animation." The requirement for the appearance of continuous movement is particularly important in view of the function of the animation (as required by Claim 61) to "simulate continuous transformations."

In Gasper the dot and underline are not animated, but relocated. The effects are removed from one letter and relocated at another, with no suggestion of "animation" or "giving the appearance of continuous movement." See Gasper, e.g., col. 7 line 54-col. 8 line 13, which

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includes (underlining added for emphasis): "Each letter, in turn, is highlighted during the portion of the pronunciation in which its sound is most prominent."

A synactor is not a graphical abstract symbol

Most especially, a synactor (talking head) is not abstract, see above definition. All illustrations are approximate or imprecise to some degree, but that does not make them all abstract. A synactor is no more abstract than any imprecise illustration. The only value of the synactor, for the teaching purposes of Gasper, is in the extent to which it accurately illustrates facial pronunciation features.

In the advisory action the Examiner asserts only that the synactor is "an abstract representation of a real head," which is not the limitation set forth in Claim 61. More importantly, however, the Examiner misuses the term "abstract" in view of the definition of that word. Contrary to the assertion of the Examiner, a synactor is clearly conceived in view of concrete realities, and would not be useful otherwise.

Gasper itself clearly distinguishes its "synactor" from a "symbol." Gasper understands the meaning of the term "symbol" perfectly well, and uses the word frequently to convey its customary meaning. As an example taken at random, consider col. 17 line 7: "symbols inscribed on the tiles 29 ..." or line 10, "tile 29 and the letters or other symbols shown on it." However, nowhere does Gasper describe a "synactor" as a symbol. Rather, it is clear that Gasper views the synactor as an animated portrayal or illustration; see, e.g., col. 3 lls. 25-27, "Utilizing these techniques a synactor may be defined to **portray** a famous person or other character, a member of one's family or a friend or even oneself." Moreover, throughout the claims the synactor is referred to as an "animated image," not as an "animated symbol."

Minimal Animation of Letter Tiles Does Not Present Transformation Rules OR Simulate Continuous Transformations

Unlike the "dot and underline" or the "synactor," the letters are admittedly abstract symbols. Moreover, in a very limited way, they are animated. However, the letters move only under control of the user, not the system. Placement by the user cannot constitute "... presenting, ... , transformation rules." The user can, and does, present the subject for

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transformation, but Gasper is a teaching system, and the presentation of rules is thus by the system, not by the user. Furthermore, the only transformations involved in Gasper are from written to spoken forms; consequently, animation of the letters cannot constitute "simulating continuous transformations." For at least these reasons, the (minimal) animation of the letter tiles, in Gasper, fails to disclose, teach or suggest all of the limitations recited in Claim 61.

Final Notes

Claim 61 was amended in response to Gasper. No aspect of Gasper teaches, discloses or fairly suggests the limitations set forth in Claim 61, as presently amended. Moreover, in view of the amendment, both *Festo* interpretation and prosecution history estoppel foreclose any assertion that a product such as described by Gasper would be construed as within the scope of Claim 61. The prior art, as represented by Gasper, is well and truly protected against improper attack by the subject application.

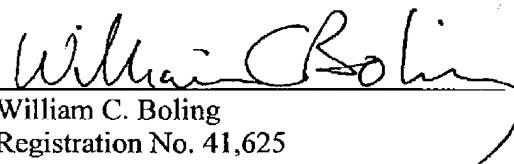
Conclusion:

No aspect of Gasper pointed to by the Examiner embodies all of the limitations recited in Claim 61. Further, the various aspects are distinct examples, and do not join together to embody the limitations of Claim 61. It is respectfully submitted that the subject application is properly allowable over the cited prior art, and that the brevity of Claim 61 is not a valid reason for rejection. The present recitations of Claim 61 already preclude a conclusion that Claim 61 covers a system such as taught by Gasper.

Respectfully submitted,

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